

U.S. Application Serial No.: 09/891,983

Attorney Docket No.: 6821.US.01

Response dated October 5, 2005

Reply to Office Action of July 6, 2005

**REMARKS**

Reconsideration and allowance of the above-referenced application are respectfully requested. The above Listing of Claims represents the status of claims as in existence prior to the Office Action of July 6, 2005; thus, further amendments have not been made.

Further, claims 8 and 9 are pending and are patentable over the prior art, as indicated by the Examiner in the Office Action of July 6, 2005.

**Rejection of Claims 8 and 9 Under 35 U.S.C. 112, First Paragraph**

The Examiner has rejected claims 8 and 9 under Section 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner asserts that one cannot practice the claimed invention without antibodies C11-10 and C11-14, and that the specification does not provide a repeatable method for readily identifying the antibodies without access to the hybridoma indicated as deposited with the National Institute of Bioscience and Human Technology as FERM BP-6004 and FERM BP-6004. Further, the Examiner contends that the antibodies do not appear to be readily available material.

Applicants respectfully traverse the rejection of claims 8 and 9 under Section 112, first paragraph. In particular, the attached Certificate from the National Institute of Advanced Industrial Science and Technology and translation thereof indicate that the Institute will furnish samples of the hybridomas designated as FERM BP-6604 and FERM BP-6006 to a requesting party in accordance with the Budapest Treaty. Thus, the Certificate evidences the fact that the hybridomas and thus monoclonal antibodies C11-10 and C11-14 are publicly and readily available upon request. Thus, claims 8 and 9 are fully enabled, and the Section 112, first paragraph rejection should be withdrawn accordingly.

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In conclusion, it is believed that the subject application is in condition of allowance and Notice to that effect is respectfully requested.

Should the Examiner have any questions concerning this matter, he is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
Shah, et al.



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